IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 16242 of 2004

Between:

Srisailam Left Bank Hydro Electric Scheme Contract Workers & Employees Union, Regd.No.A-3495 rep.by its Gen.Secretary, Sri Ch.Subba Reddy,

S/o Kona Reddy, aged 38 years, Affiliated to A.P.E.E.Union Regd.No.1104, Recognized Office,Srisailam Project Dam West, Mahabubnagar District

..... PETITIONER

AND

1 The General Manager (Human Resources),

A.P.Power Generation Corporation Limited,
Vidyut Soudha, Hyderabad-82
2 The Chief Engineer/ O & M, A.P.Power Generation Corporation Limited,
Srisailam Project, Mahabubnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus call for the records connected with the Memo No.GM/(HR)/OG (Ser.)/AS(L)/TB.1/LF-472/2001 dated 31-05-2001 of the 1st respondent and declare the action of the respondents in not engaging the members of the petitioner union as Contract Labours in pursuance of the Memo dated 31-05-2001 of the 1st Respondent and under the provisions of the Industrial Disputes Act, 1947, as arbitrary, illegal and in violation of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondents: SMT.K.SESHARAJYAM

The Court at the admission stage made the following:

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ORDER:

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The petitioner union approached this Court through this Writ Petition seeking a direction to the respondents to consider the cases of the members of the petitioner union for engaging them as contract labour.

2. The petitioner union contends that the members of the union have been working as contract labour since several years, and the respondents are resorting to engage new contract labour, without taking the members of the petitioner union on preferential basis. The petitioner union further contends that as per memo dated 31.05.2001 of the 1st respondent, the existing contract labour have to be engaged till they are exhausted before taking fresh contract labour for work.

3. The grievance of the petitioner union is that contrary to the instructions of the 1st respondent through the above memo, the 2nd respondent is resorting to engage fresh contract labour without exhausting the members of the petitioner union as contract labour. The petitioner union contends that the union presented a representation for absorption of its members, but no action has been taken by the respondents' authorities. Hence the Writ Petition, seeking a direction as mentioned above.

4. In the light of the facts and circumstances explained by the petitioner, the petitioner union is directed to file a detailed representation to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order, by giving the list of its members requesting to engage them as contract labour, after satisfying that they were the contract labour engaged on previous occasions. The 2nd respondent, shall, on presentation of a representation by the petitioner union, consider the same and pass appropriate orders in pursuance of the memo dated 31.05.2001, issued by the 1st respondent, within two months from the date of receipt of a representation from the petitioner union.

5. The Writ Petition is, accordingly, disposed of.

Note:

Issue CC in 3 days.

B/o

dsr/cs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The General Manager (Human Resources)

A.P.Power Generation Corporation Limited,

Vidyut Soudha, Hyderabad-82

2. The Chief Engineer/O & M,

A.P.Power Generation Corporation Limited,

Srisailam Project, Mahabubnagar District

3. Two CD copies.